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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KALMAN ISAACS, individually and on
behalf of all others similarly situated,

Plaintiff

vs.

ELON MUSK and TESLA, INC.,

Defendants.

No. 3:18-cv-04865-EMC

Hon. Edward M. Chen

**[PROPOSED] ORDER GRANTING
GLEN LITTLETON’S MOTION FOR
CONSOLIDATING THE ACTIONS,
APPOINTMENT AS LEAD PLAINTIFF,
AND APPROVAL OF LEAD COUNSEL**

Date: November 15, 2018
Time: 1:30 p.m.
Courtroom: 5-17th Floor

WILLIAM CHAMBERLAIN, on behalf of
himself and all other similarly situated,

Plaintiff,

v.

TESLA, INC., and ELON MUSK,

Defendants.

No. 3:18-cv-04876-EMC

Hon. Edward M. Chen

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JOHN YEAGER, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

TESLA, INC. and ELON MUSK,

Defendants.

No. 3:18-cv-04912-EMC

Hon. Edward M. Chen

CARLOS MAIA, on behalf of himself and all
other similarly situated,

Plaintiff,

v.

TESLA, INC., and ELON R. MUSK,

Defendants.

No. 3:18-cv-04939-EMC

Hon. Edward M. Chen

KEWAL DUA, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

v.

TESLA, INC., and ELON MUSK,

Defendants.

No. 3:18-cv-04948-EMC

Hon. Edward M. Chen

JOSHUA HORWITZ, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

TESLA, INC., and ELON R. MUSK,

Defendants.

No. 3:18-cv-05258-EMC

Hon. Edward M. Chen

[PROPOSED] ORDER GRANTING GLEN LITTLETON'S MOTION

Nos. 3:18-cv-04865-EMC, 3:18-cv-04876-EMC, 3:18-cv-04912-EMC, 3:18-cv-04939-EMC;
3:18-cv-04948-EMC, 3:18-cv-05258-EMC, 3:18-cv-05463-EMC, 3:18-cv-05470-EMC, and 3:18-cv-05899

ANDREW E. LEFT, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

TESLA, INC., and ELON R. MUSK,

Defendants.

No. 3:18-cv-05463-EMC

Hon. Edward M. Chen

ZHI XING FAN, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

vs.

TESLA, INC., and ELON R. MUSK,

Defendants.

No. 3:18-cv-05470-EMC

Hon. Edward M. Chen

SHAH RAM SODEIFI, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

TESLA, INC., a Delaware corporation , and
ELON R. MUSK, an individual,

Defendants.

No. 3:18-cv-05899-EMC

Hon. Edward M. Chen

[PROPOSED] ORDER GRANTING GLEN LITTLETON'S MOTION

Nos. 3:18-cv-04865-EMC, 3:18-cv-04876-EMC, 3:18-cv-04912-EMC, 3:18-cv-04939-EMC;
3:18-cv-04948-EMC, 3:18-cv-05258-EMC, 3:18-cv-05463-EMC, 3:18-cv-05470-EMC, and 3:18-cv-05899

Having considered the papers filed in support of the Motion of class member Glen Littleton (“Movant”) for Consolidation of the Actions, Appointment as Lead Plaintiff, and Approval of Lead Counsel pursuant to the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), 15 U.S.C. § 78u-4(a)(3)(B), and for good cause shown, the Court hereby enters the following Order:

I. CONSOLIDATION OF RELATED ACTIONS

1. The above-captioned securities fraud class actions pending in this Judicial District are hereby consolidated for all purposes pursuant to Rule 42(a) of the Federal Rules of Civil Procedure. Any actions that have been filed, or may be filed, which are related and which may be considered herewith, are consolidated with the *Isaacs* Action under Case No. 3:18-cv-04865-EMC (the “Consolidated Action”).

2. A Master File is hereby established for the consolidated proceedings for the Consolidated Action. The docket number for the Master File shall be Master File No. 3:18-cv-04865-EMC. The original of this Order shall be filed by the Clerk in the Master File. The Clerk shall mail a copy of this Order to counsel of record in each of the above-captioned actions.

3. Every pleading filed in the Consolidated Action shall bear the following caption:

IN RE TESLA, INC. SECURITIES LITIGATION
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Master File No. 3:18-cv-04865-EMC

II. APPOINTMENT OF LEAD PLAINTIFF AND LEAD COUNSEL

4. Movant has moved this Court to be appointed as Lead Plaintiff for the Consolidated Action and to approve the counsel he retained to be Lead Counsel.

5. Having considered the provisions of Section 21D(a)(3)(B) of the PSLRA, 15 U.S.C. § 78u-4(a)(3)(B), the Court hereby determines that Movant is the most adequate lead plaintiff and satisfies the requirements of the PSLRA. The Court hereby appoints Movant as Lead Plaintiff to represent the interests of the class.

1 6. Pursuant to Section 21D(a)(3)(B)(v) of the PSLRA, 15 U.S.C. § 78u-4(a)(3)(B)(v),
2 Movant has selected and retained the law firm Levi & Korsinsky, LLP to serve as Lead Counsel.
3 The Court approves Movant's selection of Counsel for the Consolidated Action.

4 7. Lead Counsel shall have the following responsibilities and duties, to be carried out
5 either personally or through counsel whom Lead Counsel shall designate:

- 6 a. to coordinate the briefing and argument of any and all motions;
- 7 b. to coordinate the conduct of any and all discovery proceedings;
- 8 c. to coordinate the examination of any and all witnesses in depositions;
- 9 d. to coordinate the selection of counsel to act as spokesperson at all pretrial
10 conferences;
- 11 e. to call meetings of the plaintiffs' counsel as they deem necessary and
12 appropriate from time to time;
- 13 f. to coordinate all settlement negotiations with counsel for defendants;
- 14 g. to coordinate and direct the pretrial discovery proceedings and the
15 preparation for trial and the trial of this matter, and to delegate work responsibilities to selected
16 counsel as may be required;
- 17 h. to coordinate the preparation and filings of all pleadings; and
- 18 i. to supervise all other matters concerning the prosecution or resolution of
19 the claims asserted in the Consolidated Action.

20 8. No motion, discovery request, or other pretrial proceedings shall be initiated or
21 filed by any plaintiffs without the approval of Lead Counsel, so as to prevent duplicative pleadings
22 or discovery by plaintiffs. No settlement negotiations shall be conducted without the approval of
23 the Lead Counsel.

24 9. Service upon any plaintiff of all pleadings, motions, or other papers in the
25 Consolidated Action, except those specifically addressed to a plaintiff other than Lead Plaintiff,
26 shall be completed upon service of Lead Counsel.

10. Lead Counsel shall be the contact between plaintiffs' counsel and defendants' counsel, as well as the spokespersons for all plaintiffs' counsel, and shall direct and coordinate the activities of plaintiffs' counsel. Lead Counsel shall be the contact between the Court and plaintiffs and their counsel.

III. NEWLY FILED OR TRANSFERRED ACTIONS

11. When a case that arises out of the subject matter of the Consolidated Action is hereinafter filed in this Court or transferred from another Court, the Clerk of this Court shall:

- a. file a copy of this Order in the separate file for such action;
- b. deliver a copy of this Order to the attorneys for the plaintiff(s) in the newly filed or transferred case and to any new defendant(s) in the newly filed or transferred case; and
- c. make the appropriate entry on the docket for this action.

12. Each new case that arises out of the subject matter of the action that is filed in this Court or transferred to this Court shall be consolidated with the Consolidated Action and this Order shall apply thereto, unless a party objecting to this Order or any provision of this Order shall, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party, file an application for relief from this Order or any provision herein and this Court deems it appropriate to grant such application.

13. During the pendency of this litigation, or until further order of this Court, the parties shall take reasonable steps to preserve all documents within their possession, custody or control, including computer-generated and stored information and materials such as computerized data and electronic mail, containing information that is relevant to or which may lead to the discovery of information relevant to the subject matter of the pending litigation.

IT IS SO ORDERED.

DATED: _____

HONORABLE EDWARD M. CHEN
UNITED STATES DISTRICT JUDGE